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SHRIMATI MALINI BHATTACHARYA (Jadavpur) : We want to know whether the Minister will be bringing a legislation in this regard in this session itself ?

MR. CHAIRMAN : The time allotted for Private Members' Resolution is over. The next item is Half-an-Hour discussion. Shri Anna Joshi is not present in the House. Then we will have to utilise this time for the Government work.

SHRI BASU DEB ACHARIA (Bankura) : No Sir. You continue with the Private Members' Resolution.

MR. CHAIRMAN : The time allotted for Private Members' business is over.

SHRI BASU DEB ACHARIA : Then you adjourn the House.

MR. CHAIRMAN : Two and a half hours allotted for Private Members' Business is over. So we cannot again continue with it. We will have to utilise the remaining time for the Government's work.

The next item is Statutory Resolution, Item No. 26. Shri Giridharilal Bhargava is not present. Shri Jaswant Singh is not present. Shri V. Sobhanadreeswara Rao is not present. Shri Syed Shahabuddin is to move the Resolution. This Statutory Resolution and the corresponding Bill will be discussed together. The time allotted for this is two hours.

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Bill

17.32 hrs.

STATUTORY RESOLUTION RE. DISAPPROVAL OF TERRORIST AND DISRUPTIVE ACTIVITIES (PREVENTION) AMENDMENT ORDINANCE, 1991

AND

TERRORIST AND DISRUPTIVE ACTIVITIES (PREVENTION) AMENDMENT BILL — C

[English]

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SHRI SYED SHAHABUDDIN (Kishanganj) : Sir, I beg to move :

"That this House disapproves of the Terrorist and Disruptive Activities (Prevention) Amendment Ordinance, 1991 (Ordinance No. 5 of 1991) promulgated by the President on the 2nd May, 1991."

Sir, when the Terrorist and Disruptive Activities Act was being debated in this House in 1987, many of us considered it to be a black act, a piece of legislation of draconian proportions and we anticipated that this legislation helps open a dark chapter in our legislative history.

In the four years that it has been in operation much that has happened has served to exemplify the fears and apprehensions that we had expressed at the time of legislation. In practice it has been violative of human rights; it has served to denigrate the fundamental right senshrined in our Constitution and in fact it has denigrated human dignity of our common citizens. It has been used in an excessive manner and few other pieces of legislation in the history of our independence have provided such avenues for excessive use of executive power as the notorious TADA.

In fact the Act as it stands bestows unlimited power in the hands of the executive in the name of the security of the State. Shakespeare would have said : "Security, what crimes are committed in thy name !" In the name of security common citizens have been placed behind bars, weaker sections and members of minority communities have been detained.

In fact, the detainees include old women and young children. From 1987 onwards, we have various examples. The first is the case of Gujarat where thousands of people were detained at one stroke. Roughly about two thousand people were put behind the bars at a given time, including women and children. We have this in a famous case in Rajasthan where, today as we debate TADA Act in this House, more than 250 persons are languishing behind the bars for the last two years and more; and where the Home Minister of the State is on record as having stated on the Floor of the Assembly that at least 178 of them have no charge against them which was established after due enquiry. And yet they have to be behind the bars.

We have many such examples of misuse of TADA in Punjab and Jammu & Kashmir. In Jammu & Kashmir, even the designated Court is not functioning. People were arrested in the Valley and they were expected to go to Jammu if they wanted to move the Court for a review. After long last, the previous Government established on paper that the designated Court in Srinagar is yet to begin functioning.

These are very grievous lapses from the rule of law.

Indeed this entire legislation is violative of the rule of law. It was supposed to curb terrorist violence. So, it was extended for two years in 1989. Now it was about to lapse, after four years of operation and so, an ordinance was issued to extend its life. Now, we have before us this Bill and the Government seeks to extend it for another two years. I wonder as to whether that is the end of the matter. It was extended from two years to four years. Now it is being extended from four years to six years. The fire goes on raging and I do not think that the hon. Minister is in a position to give an assurance to the House that after the next two years, it shall be the end of the matter and that this legislation will be allowed to lapse.

The process that has been adopted is counterproductive. It pours fuel over the fire. Terrorism has to be condemned; terrorism has no place in a democratic society; terrorism must be curbed. But the State which is the creation of law, the State which swears by the rule of law, the State which exists to protect the rule of law cannot engage itself in terrorism. State violence can be no answer to terrorist violence; State terrorism can never serve to curb the terrorism of the militants. The State should take upon itself to go into the political roots of the problem and work out as to why terrorism has come about in the first place. And then try to find a remedy. So, such methods are counter-productive. That is why TADA has failed. It failed in the first two years; it failed to curb terrorism in four years and I am absolutely certain in my mind that with these methods, the State cannot curb terrorism in the next two years.

SHRI LOKANATH CHOUDHURY (Jagatsinghpur) : On a point of order. There is no quorum in the House.

MR. CHAIRMAN : The bell is being rung—Now there is quorum. The hon. Member, Shri Shahabuddin Syed may continue.

SHRI SYED SHAHABUDDIN : Sir, I was on the point that on ethical and moral grounds and on constitutional political grounds as well as on purely political grounds, I find it pertinently wrong assumption on the part of the Government that the TADA shall help them to curb terrorism and bring it to a close in the next two years. Therefore, Sir, I am pleading with the state not to insist

on renewing this mandate for the use of such excessive powers as are vested under this law. I have no option but to move this resolution which I place before this House.

With these words, I conclude.

MR. CHAIRMAN : Motion moved:

"That this House disapproves of the Terrorist and Disruptive Activities (Prevention) Amendment Ordinance, 1991 (Ordinance No. 5 of 1991) promulgated by the President on the 2nd May, 1991."

[*Translation*]

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI RAM LAL RAHI): On behalf of Shri S. B. Chavan, I beg to move :

"That the Terrorist and Disruptive Activities (Prevention) Act, 1987, as passed by Rajya Sabha, be taken into consideration."

Mr. Chairman, Sir, the terrorist and Disruptive Activities (Amendment Bill was introduced on 24th May 1987 when terrorist and violent activities were at their peak and it was not possible to contain them through prevailing laws. When the situation became abnormal the Terrorist and Disruptive Activities Bill was introduced to contain it and these provision were made with the hope that normalcy would be brought within two years. But it could not be possible. Then, on May 23, 1989 the Act was amended extending its validity for a period of two years. Now when the country is once again witnessing intense terrorist activities and violence it seems difficult to contain it through prevailing laws. Therefore, there is a need to extend it for a further period of two years and that is why this Bill has been brought forward.

MR. CHAIRMAN : Motion moved:

"That the Terrorist and Disruptive Activities (Prevention) Act, 1987, as passed by Rajya Sabha, be taken into consideration."

*SHRI SUDHIR GIRI (Contai) : Mr. Chairman, Sir, The terrorist and disruptive activities act was enacted on 3rd September, 1987. Then again in 1989 the act was amended as 2nd amendment bill. This is the 2nd amendment bill. The main purpose of regulating this act was to curb the terrorist activities prevailing during that time in India. This act was necessary because the prevailing acts were not effective to curb the terrorist activities. The Government felt that the situation of India then was such that these acts were not at all effective to meet the situation. So it was necessary to have such act. That is why the Govt. declared to have this kind of extraordinary act. Sir, terrorist activities are present not only in India. One can find these activities in other countries of the world as well. It is said that the terrorists from Libia visit all parts of the world fulfil their political purpose.

It is true that if we analyse the activities of the extremists, we shall be able to divide them in two parts. First the extremists organise this kind of terrorist activities due to political reasons. Secondly, the people who have discontentment due to economic or some other reason indulge in this kind of terrorism. With the idea of mitigation of heaps of discontentment.

Now we have to find out the reasons behind these extremist activities. What are the causes that forced these extremists to follow this path ? There is discrimination in the society. This discrimination is responsible for economic discontentment or economic depression or suffering. When they find that they are unable to solve or relieve this problem through democratic process, they follow the method of terrorism. But in India behind the terrorist activities foreign conspiracy is there. There is definitely foreign hand—like that of Pakistan behind these extremists. Then again the imperialist power

*Translation of the speech originally delivered in Bengal.

s assisting these terrorists so as to destabilize the political stability of our country.

But Sir, we do not want this kind of act in our country. I remember the Rowlat Act. People of India, particularly, people of Punjab raised their voice against that act. Everybody protested against the brutal killings. Gandhiji also protested but his language of protest was very mild. He did not protest directly against the British. His protest was indirect. But Rabindra Nath *forsook* his *knighthood* in protest against Rowlat Act. When afterwards Defence of India Rules was introduced, the freedom fighters struggled against this act. We are really surprised today when we think how they fought against Preventive Detention Act also.

We have these types of Acts in our country even after independence because they can be used to supress the protests, the discontentment, the voice of the people. Then again there were Acts like Misa etc., now this terrorist and disruptive activity Preventive Act. But we do not want these acts.

But what do we find in Punjab, Jammu & Kashmir and Assam? What happened sometime back in Gujarat also ? Now who is responsible for the situation created in Punjab ? During the tenure of Mrs. Gandhi as Prime Minister, the opposition and the people who are defying law today in Punjab tried to find a solution to the problem of Punjab unitedly. But Mrs. Gandhi did not support the move. At that time the petty selfish motive of capturing vote worked. So the device was to instigate one part of people against another. So the sole aim of these people was to capture vote and thus they did not want to find a solution in Punjab. The same is the case with Jammu & Kashmir. Sheikh Abdulla was the victim of same injustice. When Farookh Abdullah became the Chief Minister his Ministry was dissolved and thus the Govt. of India lost their credebility in the eyes of the people of Kashmir. The action of the Govt. of India was responsible for the distrust in the minds of the people of Kashmir which gradually fumed and in due course this mistrust and various other reasons turned into terrorists activities. The same is the situation in Assam. If we look into the problems of common people of Assam, their poverty, problem of unemployment, we will find these are responsible for the extremist activities there. So in this context I would like to add a few more words to what has already been spoken by my party comrades. We feel that the people of Punjab should be initiate to political activities. The young people who have been misled and are engaged in terrorism should be brought into the main stream. They should be initiated to political activities. So we have to contact the common people thr c We must have contact with them. T is kind of work is not possible by the hel pof the Governor or the administration If we want to get the help of the people then we have to mix with them. So our task is to organise, unite the different political parties and then discuss and pursue a line of action. But the first and foremost task is to contact the common people. They must be given a chance for contact. To achieve this aim, we must convene meeting, convention and seminar and share our feelings with them. Then again coming to the situation in Jammu & Kashmir there is a news in todays Newspaper. The extremists are roaming freely with weapons in the street of Sri Nagar. There is an administration, there are military forces, army. Then how they have become so dare devil and active in this manner. So what do we infer from this incident ? The inference is that these extremists are working in connivance with the common people. They are engaged in all kinds of disruptive activities. They are working among the common people. So they are not separated from the common people. In fact they have taken shelter amidst the people. If we want to alienate them from the masses, we

must initiate them for political activities. To initiate them to political activities, it is necessary to look into their problems, their poverty, their unemployment problem. Their economic condition is shattered. We must try to solve these problems. This is not possible by the help of army or military force only. Until and unless we change our social system we cannot achieve this goal. The same is true of Assam. The election was held peacefully in Assam. But now the situation that has arisen after the election is not good for the country. For this some of the political parties are responsible there. And also the policy of the Congress party followed since long time is also responsible for this kind of situation. Their step motherly treatment meted towards the states is responsible for the discontentment of common people. They are losing hope or respect for the ruling party. So naturally this has led to create this kind of situation. So we have to consider deeply the problem of Jammu & Kashmir, Punjab and Assam. I would like to mention one thing in this context. The GNLF had been engaged in all kinds of terrorist act in Darjeeling with a view to separate Darjeeling from India and we came to know they were encouraged by the Centre. So if we claim that the policy whether economic or political followed by the Congress and also their policy of disuniting people is responsible for the terrorist activities. We must try to solve this menace. To solve the problem, we propose to increase political activities in all these places. We must take the opinion of all political parties. If we fail to do this we would not be able to face this challenge facing our country. We do not want that this menace should continue in our country. But we must realize that those who are responsible for creating this kind of disruption in the country cannot be pardoned because they are distroying the unity, the sovereignity of the country. But we cannot alienate people from this task. We must take them into confidence. So I demand from the Govt. to start political activity. They must convene the meeting of all the political parties. There must be a conference of all the parties. They must have a discussion with all political parties and sort out the line of action so that the terrorists are separated from the common people.

And Sarkaria Commission proposed to give more power to the State to have decentralization in the State so that the state can function smoothly. This should be implemented and the steps should be taken in the State for land reform. Today the atrocities meted out to the Harijans, the oppression of the weaker sections should be dealt with firmly. Action must be taken against the culprits otherwise if these atrocities continue, it will again create terrorist activities.

So, Mr. Chairman, I appeal to the Govt. through you that they must start political activities and to curb terrorist activities they must go to the masses and take them into confidence. With this I conclude my speech.

[*English*]

MR. CHAIRMAN : Shri Mani Shankar Aiyar. 418

SHRI MANI SHANKAR AIYAR (Mayiladuturai) : Mr. Chairman, Sir...

MR. CHAIRMAN : You may continue next time. The House stands adjourned to re-assemble on Monday at 11.00 A.M.

18.00 hrs

The Lok Sabha then adjourned till Eleven of the Clock on Monday, August 12, 1991/Sravana 21, 1913 (Saka).

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